

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0696V

Filed: August 15, 2016

UNPUBLISHED

SOPHIE ROSE,

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Petitioner,

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v.

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Alison H. Haskins, Maglio Christopher and Toale, PA, Sarasota, FL, for petitioner.

Douglas Ross, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On June 14, 2016, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered a left shoulder injury as a result of her October 17, 2013 influenza (“flu”) vaccination. Petition at 1-3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 10, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent “concluded that petitioner suffered a non-Table injury of SIRVA and that the preponderance of the medical evidence indicates that the injury was

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

causally related to the flu vaccination she received on September 30, 2013³.” *Id.* at 6. Respondent further agrees that no other causes have been identified for petitioner’s SIRVA and “petitioner met the statutory requirements by suffering the condition for more than six months.” *Id.* Accordingly, respondent indicates that “based on the record as it now stands, compensation is appropriate, as petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.*

In view of respondent’s concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

³ The Rule 4 report incorrectly identifies the date of vaccination as September 30, 2013. The date of vaccination is October 17, 2013. See Pet. Ex. 1 at 1.